

By: Representative Tullos

To: Judiciary B

HOUSE BILL NO. 1005

1 AN ACT TO CREATE THE "SAFEGUARDING TEENS FROM OUT-OF-STATE  
 2 (ABORTION) PROCEDURES (STOP) ACT"; TO DECLARE CERTAIN LEGISLATIVE  
 3 FINDINGS; TO DEFINE CERTAIN TERMS; TO CREATE A FELONY OFFENSE FOR  
 4 PROCURING AN ABORTION OR ABORTION-INDUCING DRUG FOR A MINOR GIRL  
 5 OR FOR AIDING IN THE PROCUREMENT OF AN ABORTION BY HARBORING OR  
 6 TRANSPORTING A MINOR GIRL WITH THE INTENT TO CONCEAL THE ABORTION  
 7 FROM THE CHILD'S PARENTS; TO DECLARE THAT IT IS NOT AN AFFIRMATIVE  
 8 DEFENSE THAT THE ABORTION OCCURRED IN ANOTHER STATE; TO AUTHORIZE  
 9 CIVIL REMEDIES FOR VIOLATIONS OF THIS ACT; TO AUTHORIZE THE  
 10 LEGISLATURE TO APPOINT MEMBERS TO INTERVENE IN ANY CASE  
 11 CHALLENGING THE CONSTITUTIONALITY AND ENFORCEABILITY OF THIS ACT;  
 12 AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** This act shall be known and may be cited as the  
 15 "Safeguarding Teens from Out-of-State (Abortion) Procedures (STOP)  
 16 Act."

17 **SECTION 2.** The Legislature finds the following:

18 (a) The medical, emotional and psychological  
 19 consequences of abortion are often serious and can be lasting,  
 20 particularly when the patient is young or immature.

21 (b) Parents and guardians usually possess information  
 22 essential to a healthcare provider's exercise of the provider's  
 23 best medical judgment concerning a minor girl.



24 (c) Parents or guardians should be consulted and  
25 provided with all relevant information related to any medical  
26 procedure their child may undergo, including abortion.

27 (d) Parents and guardians have the fundamental right to  
28 make healthcare decisions in their child's best interest and  
29 should be supported fully and informed as they make those  
30 decisions.

31 (e) Under Section 41-41-53, the State of Mississippi  
32 requires parental consent before a minor girl undergoes an  
33 abortion.

34 **SECTION 3.** As used in this act, the following words and  
35 phrases have the meanings ascribed in this section unless the  
36 context clearly requires otherwise:

37 (a) "Abortion" means the act of using or prescribing  
38 any instrument, medicine, drug or other substance, device or means  
39 with the intent to terminate the clinically diagnosable pregnancy  
40 of a woman and for the purpose of ensuring the death of her unborn  
41 child. "Abortion" does not include an action if done with the  
42 intent to:

43 (i) Save the life or preserve the health of the  
44 unborn child;

45 (ii) Remove a dead unborn child caused by  
46 miscarriage;

47 (iii) Remove an ectopic pregnancy; or



48 (iv) Perform a pre-viability separation procedure  
49 when the procedure, in reasonable medical judgment, is necessary  
50 to save or preserve the life of the pregnant woman.

51 (b) "Abortion-inducing drug" means any medicine, drug  
52 or other substance prescribed or dispensed with the intent of  
53 terminating the clinically diagnosable pregnancy of a woman and  
54 for the purpose of ensuring the death of her unborn child.  
55 "Abortion-inducing drug" includes the off-label use of drugs known  
56 to have abortion-inducing properties which are prescribed  
57 specifically with the intent of causing an abortion.

58 "Abortion-inducing drug" does not include drugs that may be known  
59 to cause an abortion but which are prescribed for other medical  
60 indications.

61 (c) "Assistance" means lodging, shelter, transportation  
62 or money that can help a minor girl procure an abortion or obtain  
63 abortion-inducing drugs, while avoiding detection by or the  
64 involvement of her parents or legal guardian.

65 (d) "Ectopic pregnancy" means the state of carrying an  
66 unborn child outside of the uterine cavity.

67 (e) "Harboring" means providing assistance to a minor  
68 girl in order to procure an abortion or to obtain  
69 abortion-inducing drugs without the knowledge, consent or  
70 involvement of her parents or legal guardian.



71 (f) "Minor girl" means a female resident of the State  
72 of Mississippi under the age of eighteen (18) years who is not  
73 emancipated.

74 (g) "Miscarriage" means a spontaneous loss of the  
75 unborn child.

76 (h) "Pre-viability separation procedure" means a  
77 medical procedure other than an abortion which is performed by a  
78 physician to remove an unborn child from the mother's uterine  
79 cavity before that stage of fetal development when, in the  
80 reasonable medical judgment of the physician based on the  
81 particular facts of the case and in light of the most advanced  
82 medical technology and information available to the physician,  
83 there is a reasonable likelihood of sustained survival of the  
84 unborn child outside the body of the mother, with or without  
85 artificial support.

86 (i) "Transporting" means to move a minor girl within,  
87 into, out of or through the State of Mississippi for the purpose  
88 of procuring an abortion or obtaining abortion-inducing drugs.

89 **SECTION 4.** (1) A person who, with the intent to conceal an  
90 abortion from the parents or guardian of a minor girl, procures an  
91 abortion for the minor girl, obtains an abortion-inducing drug for  
92 the minor girl, or aids or abets the minor girl in procuring an  
93 abortion or obtaining an abortion-inducing drug by harboring or  
94 transporting the minor girl is guilty of a felony punishable by  
95 commitment to the custody of the Mississippi Department of



96 Corrections for not less than twenty (20) years nor more than life  
97 in prison, or by a fine of not less than Fifty Thousand Dollars  
98 (\$50,000.00) nor more than Five Hundred Thousand Dollars  
99 (\$500,000.00), or both.

100 (2) As used in subsection (1) of this section, the terms  
101 "procure" and "obtain" do not include providing information  
102 regarding a health benefit plan or constitutionally protected  
103 speech or expression.

104 (3) This act may not be construed to subject a minor girl to  
105 criminal conviction or penalty.

106 **SECTION 5.** (1) It is an affirmative defense to prosecution  
107 under this act that a parent or guardian of a minor girl consented  
108 to the harboring or transporting of the minor girl.

109 (2) It is not an affirmative defense to prosecution under  
110 this act that the person or entity performing the abortion or  
111 providing the abortion-inducing drug is located in another state.

112 **SECTION 6.** (1) In addition to any other remedy that may be  
113 available under law, a violation of this act is a basis for a  
114 civil action for actual and punitive damages and injunctive  
115 relief, including reasonable attorney's fees.

116 (2) This act may not be construed to subject a minor girl to  
117 civil liability or penalty.

118 **SECTION 7.** (1) This act may not be construed as creating or  
119 recognizing a right to abortion.



120 (2) This act may not be construed as making lawful an  
121 abortion that is otherwise unlawful under the laws of this state.

122 **SECTION 8.** It is the intent of the Legislature that every  
123 provision of this act operate with equal force and is severable  
124 one (1) from the other. If a provision of this act is held  
125 invalid or unenforceable by a court of competent jurisdiction,  
126 that provision must be deemed severable and the remaining  
127 provisions of this act deemed fully enforceable.

128 **SECTION 9.** The Legislature may appoint one or more of its  
129 members to intervene in any case in which the constitutionality or  
130 enforceability of this act is challenged.

131 **SECTION 10.** This act shall take effect and be in force from  
132 and after July 1, 2024.

